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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,658	04/19/2006	Ulrich Brochheuser	GKNG 1271 PCT	8464
7590 Robert P Renke Suite 250 28333 Telegraph Road Southfield, MI 48034			EXAMINER TOLAN, EDWARD THOMAS	
			ART UNIT 3725	PAPER NUMBER
			MAIL DATE 12/18/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/562,658

**Applicant(s)**

BROCHHEUSER ET AL.

**Examiner**

EDWARD TOLAN

**Art Unit**

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 10-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 and 10-29 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 19 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 3 "portion" should be --portions--.

Claim 1 recites the limitation "said the at least two further longitudinal sections" in line 11. There is insufficient antecedent basis for this limitation in the claim. Applicant has set forth at least one further longitudinal section in lines 6 and 7 but does not set forth two.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexoff (4,616,500). Alexoff discloses a method of manufacturing a hollow shaft (26) having first and second end portions of greater wall thickness and an intermediate

portion of reduced wall thickness comprising providing a mandrel (12) having diameters (14,16,18) stepped over its length and including a first longitudinal section having a smallest diameter (16), a section (18) having a larger diameter and another section (14) and forming the shaft by cold drawing using a matrix (24). The tube is guided from one tube end by means (20,32). In figures 1B and 1C Alexoff discloses that a first end and intermediate portion are formed with the mandrel (12) and shaft (26) position unchanged while figures 1D and 1E show that a second end is formed by the mandrel first end with a changed axial position of the mandrel. In figure 5A Alexoff discloses a mandrel (40) having a first longitudinal section (D1,42) that produces a smallest first diameter at an end of a tube (52), a second longitudinal section (D2,46) that produces a first intermediate tube portion having a diameter greater than the smallest first diameter, and a third longitudinal section (D2,48) that produces a second intermediate tube portion and a further portion (D1,44) that produces a second end portion. Alexoff discloses (column 5, lines 49-51) that the diameters of longitudinal sections (46,48) can be made different.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexoff (4,616,500) in view of Kaneko (6,758,077). Alexoff does not disclose swaging or rolling. Kaneko teaches that it is known to form a hollow shaft of differing wall thickness by using a stepped mandrel (2) and rolling tool (3). It would have been obvious to one skilled in the art at the time of invention to form the shaft of Alexoff with a roller as taught by Kaneko in order to spin form the tube.

Claims 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexoff (4,616,500) in view of Stump (4,161,112). Alexoff does not disclose a cone angle of the mandrel and a wall thickness ratio. Stump teaches a mandrel (11) having a cone angle (25) of 6 degrees (column 4, lines 32-35 and column 6, lines 20-22). Stump teaches a wall thickness ratio (column 6, lines 5-7) of greater than 1.6,  $0.465/0.260 = 1.78$ . It would have been obvious to one skilled in the art at the time of invention to provide the mandrel of Alexoff with a cone angle as taught by Stump in order to produce shafts of a varying wall thickness.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525. FAX communications should be sent to 571-273-8300.

/Edward Tolan/

Primary Examiner, Art Unit 3725